IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 23133 of 1995

Between:

1 R. Laxmaiah, S/o. Chandraiah,
R/o. Sangareddy Mandal, Medak District.,
2 R. Venkataiah S/o. Jangaiah
R/o. Sangareddy Mandal, Medak District.
3 R/. Durgaiah S/o. Chandraiah
R/o. Sangareddy Mandal, Medak District.
4 Nanchari Pochaiah S/o. Balaiah
R/o. Sangareddy Mandal, Medak District.
5 Parvathamma W/o. Pundarikan
R/o. Sangareddy Mandal, Medak District.
6 Balaiah S/o. Sayanna
R/o. Sangareddy Mandal, Medak District.
7 Md Fareed S/o. Maruff Ali
R/o. Sangareddy Mandal, Medak District.
8 S. Balraj S/o. Buchaiah
R/o. Sangareddy Mandal, Medak District.
9 M. Ramulu S/o. Narsimulu
R/o. Sangareddy Mandal, Medak District.
10 K. Srinivas S/o. Venkatesham
R/o. Sangareddy Mandal, Medak District.
11 Rajamma W/o. Adivaiah
R/o. Sangareddy Mandal, Medak District.

..... PETITIONERS

AND

1 Mandal Revenue Officer, Sangareddy Mandal,

Medak District.
2 Medak District State NGO's & Local Bodies Employees Housing Building Society, rep. by its Person Incharge B. Ananthaiah, S/o. C. Chandraiah, Sangareddy, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in interfering with the peaceful possession and enjoyment of the respective plots of the petitioners herein in S.No.374/1 situated at Rajampet Hamlet, Sangareddy Mandal, Medak District as illegal, arbitrary and violative of Article 300-A of the Constitution of India.

Counsel for the Petitioners: MR.P.A.V.BALAPRASAD

Counsel for the Respondent No1: GP FOR REVENUE

Counsel for the Respondent No.2: MR. Y.V. L.N. MURTHY

The Court made the following :

WRIT PETITION NO : 23133 of 1995

ORDER

This Writ Petition is filed by the petitioners seeking a direction in the nature of writ of mandamus to declare the action of the respondents in interfering with the peaceful possession and enjoyment of their respective plots situate in S.No.374/1 at Rajampet Hamlet, Sangareddy Mandal, Medak District as illegal.

The case of the petitioners is that the plots in question were given to the 2nd respondent for its employees. As the said plots were kept vacant for a long period, the same were assigned to the petitioners and pattas were also issued to them. While so, the 2nd respondent having grudge against the petitioners filed a suit in

O.S.No.184 of 1994 on the file of the District Munsif, Sangareddy District and obtained injunction order and the subsequently the same was vacated. However, the 2nd respondent in collusion with the 1st respondent is trying to interfere with the possession of the petitioners over the assigned plots. Hence, the present writ petition is preferred by the petitioners.

Heard the learned Counsel.

Learned Counsel for the petitioners while reiterating the contentions raised in the affidavit filed in support of the writ petition, contended that the action of the respondents in interfering with their peaceful possession and enjoyment over the plots, is illegal and it warrants interference of this Court invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

Admittedly, the 2nd respondent has filed a suit in O.S.No.184 of 1994 on the file of the learned District Munsif, Sanga Reddy wherein on an application, temporary injunction has also been granted. Subsequently, the said temporary injunction was vacated. In this background of the matter, I am of the view that a dispute is pending between the parties as to the title over the plots in question and the same will come under the purview of civil in nature. Therefore, in a case of this nature, this Court cannot invoke its jurisdiction under Article 226 of the Constitution of India and I see no merits in this writ petition.

Accordingly, the Writ petition is dismissed. No costs. However, the parties are at liberty to agitate their rights before the appropriate forum.

Justice T. Meenakumari

Dated: 17th March, 2005

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Copy to:

1. The Mandal Revenue Officer, Sangareddy Mandal, Medak District.

2. The Person incharge, Medak District State NGO's & Local Bodies Employees Housing Building Society. Sangareddy, Medak District.

3. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, High Court of Andhra Pradesh, Hyderabad. (O.U.T.)

4. Two C.D. Copies.